

Gather Facts for Dispute Resolution Particulars

The Manufactured Home Park Tenancy Act (MHPTA)

Key Sections of Act to consider related to dispute and requesting that the Respondent withdraw the 12 month notice to end tenancy for conversion of Manufactured Home Park (emphases mine):

Section 42 (1) Subject to section 44 [tenant's compensation: section 42 notice], a landlord may end a tenancy agreement by giving notice to end the tenancy agreement if the landlord **has all the necessary permits and approvals required by law**, and **intends in good faith, to convert all or a significant part of the manufactured home park to a non-residential use or a residential use other than a manufactured home park.**

Further to Section 42 in the MHPTA A Guide for Manufactured Home Park Landlords & Tenants in British Columbia page 20 (revised October 2006) Under *Twelve-Month Notice* – “It is not sufficient to leave the land vacant. **The landlord must have all the necessary permits and approvals require by law before the notice to end is issued.**” And “A landlord cannot end a tenancy on a site that will not form part of the new development, unless the site must be vacated in order that the development can proceed and there is no other viable alternative.”

Section 44 (1) A landlord who gives a tenant notice to end a tenancy under section 42 [landlord's use of property] must pay the tenant, on or before the effective date of the notice, an amount that is equivalent to 12 months' rent payable under the tenancy agreement.

(2) In addition to the amount payable under subsection (1), if steps have not been taken to accomplish **the stated purpose for ending the tenancy** under section 42 **within a reasonable period** after the effective date of the notice, the landlord must pay the tenant an amount that is the equivalent of 6 times the monthly rent payable under the tenancy agreement.

Section 48 (1) If a tenant makes an application for dispute resolution to dispute a landlords' notice to end a tenancy, the director **must** grant an order of possession of the manufactured home site to the landlord if, at the time scheduled for the hearing,

- a) The landlord makes an oral request for an order of possession, **and**
- b) The director dismisses the tenant's application or upholds the landlord's notice.

Section 68 The director may admit as evidence, whether or not it would be admissible under the laws of evidence, any oral or written testimony or any record or thing that the director considers to be

- a) necessary and appropriate, and
- b) relevant to the dispute resolution proceeding.